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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/477,236	01/04/2000	JASON T. LENZ	S63.2-7531	8883
490 7590 12/13/2007 VIDAS, ARRETT & STEINKRAUS, P.A. SUITE 400, 6640 SHADY OAK ROAD EDEN PRAIRIE, MN 55344			EXAMINER MENDEZ, MANUEL A	
			ART UNIT 3763	PAPER NUMBER
			MAIL DATE 12/13/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Office Action Summary**

Application No.

09/477,236

Applicant(s)

LENZ, JASON T.

Examiner

Manuel Mendez

Art Unit

3763

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 04/15/2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,3-8 and 23-29 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3-8 and 23-29 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Examiner's Comment*

The last search conducted by the examiner of record resulted in prior art pertinent to the prosecution of this application. Accordingly, the following rejections are presented to in order to expedite the prosecution of this application.

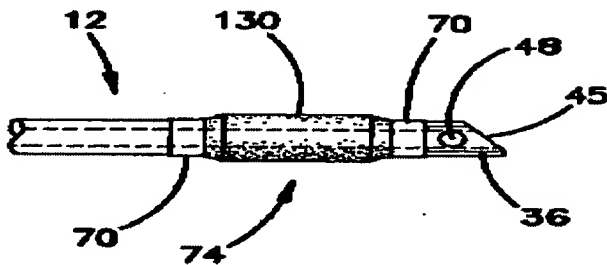
In response to this non-final office action, the examiner of record respectfully requests applicant to submit a complete listing of all pending claims, including all the amendments made to the claims.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

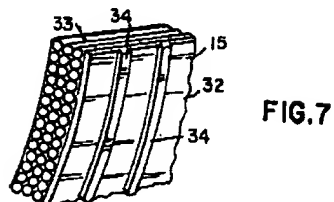
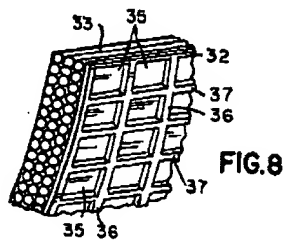
**Claims 1, 3-8, and 23-29** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Booth et al., U.S. Patent No. 5,653,690** in view of **Elton, U.S. Patent No. 5,077,352** and in further view of **Abele et al., U.S. Patent No. 6,010,480**.



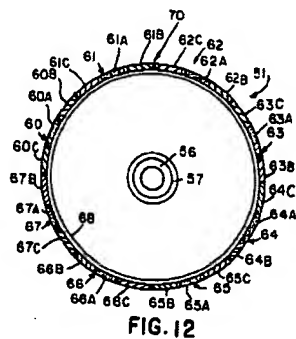
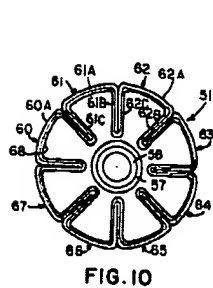
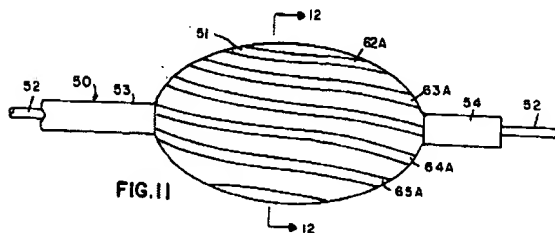
*Fig. 24*

In figure 4, Booth et al. shows a medical device insertable in the body “wherein the balloon 74 incorporates a hydrophilic coating 130 on its outer surface. The hydrophilic coating 130 is highly absorbent and adheres to the interior surface of the coronary sinus 42 once the balloon 74 is inflated and placed into contact with the coronary sinus 42. Although shown on the tubular balloon 74, the hydrophilic coating 130 is applicable to any balloon design for use on a catheter”. Additionally, Booth et al. demonstrates the conventionality of coating inflatable balloons, but does not specifically disclose the use of thermoplastic and thermosetting polymers. However, the use of such polymer coatings in catheters is conventional in the art as evidenced by the teachings Elton.

The Elton patent demonstrates that the use of thermoplastic and thermosetting coatings in catheters is conventional in the art. Accordingly, for a person of ordinary skill in the art, modifying the balloon catheter disclosed by Booth et al. with the coatings disclosed by Elton would have been considered obvious in view of the conventionality of said coatings.



In relation to the claim limitation disclosing a “substantially uniform noncontiguous protective surface coating”, Abele et al. shows in figures 7 and 8, coatings applied in waffle and stripe patterns.



Moreover, figures 9-12, demonstrate that applying coatings in a uniform noncontinuous and discontinuous patterns is conventional in the art of balloon catheters. Accordingly, for a person of ordinary skill in the art, modifying the balloon catheter disclosed by Booth et al. with a coating applied in waffle or stripe patterns, or with a uniform noncontinuous or discontinuous patterns, as taught by Abele et al., would have been considered obvious in view of the proven conventionality of these enhancements.

Finally, based on the teachings of the cited patents, it is important to recognize that (1) balloon catheters are well known in the art; (2) the coating of a balloon on a catheter is well known in the art; (3) the use of flexible, lubricious, organic polymeric coatings in catheters is also conventional in the art, and (4) coating balloons in a waffle or stripe pattern or with a uniform noncontinuous or discontinuous pattern is also well known in the art. Accordingly, for a person of ordinary skill in the art with the need to increase lubrication between the catheter and the tissue in the area of application, it would have been "obvious to try" different coating patterns to increase lubricity since the artisan would have been choosing from identified predictable patterns to enhance the capabilities of the catheter with a reasonable expectation of success.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Manuel Mendez whose telephone number is 571-272-4962. The examiner can normally be reached on 0730-1800 hrs.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Nicholas D. Lucchesi can be reached on 571-272-4977. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Manuel Mendez  
Primary Examiner  
Art Unit 3763

MM